

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: June 13, 2017

Judge: Hon. James Donato

Time: 1 Hour & 15 Minutes

Case: **C-14-03264-JD IN RE CAPACITORS ANTITRUST LITIGATION**

Attorney(s) for Plaintiff(s): Eric R. Lifvendahl/Adam Zapala/Joshua P. Davis/James G. B. Dallal/Joseph Saveri/Andrew Purdy/Dena Sharp
Attorney(s) for Defendant(s): Ian Papendick/Matthew R. DalSanto/Claire Maddox/Roxane Alicia Polidora/Laura Hurtado/Matthew Riley/Allyson Fortier/Jessica Duggan/Darryl Prescott

Deputy Clerk: Lisa R. Clark

Court Reporter: Leo Mankiewicz

PROCEEDINGS

Discovery Hearing - Held

NOTES AND ORDERS

The Court rules on the pending discovery dispute letters:

Dkt. No. 1632 - Plaintiffs' Letter re Shinyei and KEMET's Interrogatory Responses

- Shinyei is ordered to further update its interrogatory responses by June 27, 2017, to account for the documents it has produced since the date of its last response. Shinyei must also answer the interrogatories in a straightforward manner; it may not identify documents in response to an interrogatory while purporting to "make no representation" that the documents are actually responsive.
- KEMET must provide complete responses to the interrogatories (and not merely point to samples of responsive documents, unless plaintiffs agree to that) by July 13, 2017. KEMET may respond under FRCP 33(d) as appropriate.

Dkt. No. 1641 - IPPs' Letter re Absent Class Member Depositions

- The Court notes that the case law in this area, while not controlling, is decidedly against the defendants. If the defendants nevertheless wish to pursue these depositions, the Court requires additional briefing:

- **June 27, 2017:** Last day for defendants to file a motion for leave to take the proposed depositions. Defendants should first explain how the proposed depositions would be material or significant for the determination of certification, as discussed on the record, and then address the case law referred to above.
- **July 11, 2017:** Last day for plaintiffs to file a response.
- The Court will take the motion under submission on the papers or set a hearing.

Dkt. No. 1650 - Defendants' Letter re Sensitivity Tests Conducted by Dr. McClave

- Defendants' request for the production of the sensitivity tests is denied as inconsistent with the Stipulation and Order Concerning Expert Discovery, Dkt. Nos. 540, 562.

Dkt. No. 1651 - Defendants' Letter re Draft McClave Materials Reviewed by Dr. Zona

- This request is denied as moot based on plaintiffs' representation at the hearing that they will produce the draft McClave report that was provided to Dr. Zona.
- To the extent Dr. Zona's expert report contains statements attributable to draft McClave materials that defendants were unable to test because they did not have a copy of those materials, defendants may ask the Court to exclude the statements on that basis.

Other

- The Court denies as untimely and without good cause at this late date defendants' oral request for a 3-week extension of their class certification opposition deadline.
- The Court will issue the requested final approval orders and judgments for the previously approved DPP settlements.